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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Belgium, Denmark, Finland, Georgia, Iceland, Italy, Japan, Liechtenstein, Norway, Panama, Sweden and the former Yugoslav Republic of Macedonia: draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, situations of generalized violence, violations of human rights, and natural and human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards and climate-related events,

[1] See Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex, introduction, para. 2).

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Recognizing also that the risk of becoming displaced in relation to a disaster has doubled in the last four decades[2] and that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights, humanitarian and development dimensions, as well as the possible peacebuilding dimension, of internal displacement, including in long-term displacement situations, the often heightened vulnerability of women and children as well as of older persons and persons with disabilities, and the responsibilities of States and the international community to further strengthen their protection and assistance, with a view to finding durable solutions,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, as well as to address the root causes of the displacement problem and support solutions in appropriate cooperation with the international community,

Reaffirming that all persons, including internally displaced persons, have the right to freedom of movement and residence and should be protected against arbitrary displacement,[3]

Noting the need for increased awareness on the part of the international community of the issue of internal displacement worldwide, including the situation of millions living in protracted situations of displacement for an estimated average of 17 years,[4] many of them outside camp settings and in urban areas, and the urgency of providing adequate humanitarian assistance to and ensuring the protection of internally displaced persons, including protection from landmines and other explosive remnants of war, and of supporting local host communities, addressing the root causes of displacement and obstacles to durable solutions for internally displaced persons in their countries and recognizing that durable solutions include voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country, without prejudice to the right of internally displaced persons to leave their country or to seek asylum,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[5]

Recalling also the relevance of international humanitarian law, including the Geneva Conventions of 1949[6] and the Additional Protocols thereto of 1977,[7] as a vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Recognizing that, in armed conflict, displacement is very often caused by violations of the rules of international humanitarian law, and recalling that

[2] Internal Displacement Monitoring Centre, *Global Estimates 2015*.
[3] E/CN.4/1998/53/Add.2, annex, principle 6.
[4] S/2015/453, para. 5.
[5] E/CN.4/1998/53/Add.2, annex.
[6] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[7] Ibid., vol. 1125, Nos. 17512 and 17513.

displacement could often be prevented if parties to armed conflict respected these rules, including the prohibition of direct attacks on civilians and civilian objects and the prohibition of forced displacement of civilians for reasons related to the armed conflict, unless their security or imperative military reasons so demand,[8]

Welcoming the increasing dissemination, promotion, application and integration into domestic laws and policies of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation, transfer or ordering of the displacement of the civilian population as war crimes,[9]

Expressing its appreciation to those Governments and intergovernmental, regional and non-governmental organizations that have supported and facilitated the work of the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons, and of his predecessor, the former Representative of the Secretary-General on the human rights of internally displaced persons and which, according to their roles and responsibilities, have helped to provide protection and assistance to internally displaced persons,

Welcoming the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments and the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with national Governments and relevant international bodies,

Welcoming the priorities set by the Special Rapporteur as contained in his report to the Human Rights Council at its sixteenth session[10] and the two strategic objectives of supporting Governments in developing national instruments on internal displacement and facilitating viable durable solutions for internally displaced persons, including through the engagement of development actors,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[11] regarding the need to develop global strategies to address the problem of internal displacement, and recalling also all relevant resolutions of the General Assembly and the Security Council,

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[8] Ibid., vol. 1125, No. 17513, arts. 13 and 17.

[9] Ibid., vol. 2187, No. 38544, art. 7, paras. 1 (d) and 2 (d), and art. 8, paras. 2 (a) (vii) and 2 (e) (viii).

[10] A/HRC/16/43.

[11] A/CONF.157/24 (Part I), chap. III.

Recalling also its resolution 68/180 of 18 December 2013 and Human Rights Council resolution 23/8 of 13 June 2013,[12]

1. *Takes note with appreciation* of the report of the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons[13] and the conclusions and recommendations contained therein;

2. *Commends* the Special Rapporteur for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, measures of prevention, including early warning, and ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee[14] in his activities, and also encourages the Special Rapporteur to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Recognizes* the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, and encourages the Special Rapporteur, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement, with a view to supporting Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those who are forced to flee;

5. *Also recognizes* that internal displacement is not only a humanitarian but also a development challenge, calls upon States to address obstacles to durable solutions and to include the needs, vulnerabilities and capacities of internally displaced persons in their national development plans, and in this regard welcomes the report of the Special Rapporteur on the post-2015 development agenda to the Human Rights Council;[15]

6. *Requests* Member States to strengthen their efforts to ensure better protection of and assistance to internally displaced persons, in particular to address the long-term nature of displacement, by adopting and implementing policies and strategies in accordance with national and regional frameworks, while recognizing the Guiding Principles on Internal Displacement[5] as an important international framework for the protection of internally displaced persons;

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[12] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[13] A/70/334.

[14] A/HRC/13/21/Add.4.

[15] A/HRC/29/34.

7. *Encourages* strengthened international cooperation, in particular between humanitarian and development actors, including through the provision of resources, coherent multi-year programming that addresses long-term displacement and expertise to assist affected countries, in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons and the integration of the human rights and needs of internally displaced persons into both rural and urban development strategies, as well as the participation of both internally displaced persons and host communities in the design and implementation of those strategies;

8. *Recognizes* that Member States have the primary responsibility to promote durable solutions for their internally displaced persons, thus contributing to their national, economic and social development processes, and encourages the international community, the United Nations system, the Special Rapporteur, relevant international and regional organizations and donor countries to continue to support international, regional and national efforts to meet the needs of internally displaced persons on the basis of solidarity, the principles of international cooperation and the Guiding Principles on Internal Displacement, to ensure that humanitarian assistance, early recovery and development assistance efforts are appropriately funded;

9. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

10. *Also welcomes* the adoption and entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which builds on the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons adopted by the International Conference on the Great Lakes Region and which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, encourages African States to consider signing and/or ratifying the Convention, and encourages other regional mechanisms to consider the development of their own regional normative frameworks for the protection of internally displaced persons;

11. *Calls upon* Governments to prevent displacement and to take all measures necessary to protect and fulfil human rights, as well as to respect and ensure respect for international humanitarian law, in situations of armed conflict;

12. *Expresses particular concern* that many internally displaced children, particularly girls, lack access to education in all phases of displacement owing to attacks against schools, damaged or destroyed school buildings, insecurity, loss of documentation, language barriers and discrimination, and calls upon States, in cooperation with all other relevant actors, including humanitarian and development agencies and donors, to ensure the right to a quality education, including primary and secondary education, for internally displaced children, without discrimination of any kind, as well as to support existing schools to enable them to include internally displaced persons, and calls upon parties to armed conflict to respect the civilian character of schools and other educational institutions and to refrain from undertaking

actions that could adversely affect the protection of these buildings against direct attacks;

13. *Also expresses particular concern* about the full range of threats and human rights violations and abuses and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who may be particularly vulnerable or specifically targeted, especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and assistance to victims and survivors, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

14. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in policies, programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

15. *Calls upon* States, in cooperation with international agencies and other stakeholders, particularly to provide for and support the full and meaningful participation of internally displaced women at all levels of decision-making processes and in all activities that have a direct impact on their lives and in all aspects of internal displacement, including the promotion and protection of human rights, the prevention of human rights violations and the design and implementation of durable solutions, peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development;

16. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process are necessary elements of effective peacebuilding;

17. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

18. *Also welcomes* the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying the Guiding Principles on Internal Displacement as a standard, and

encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

19. *Further welcomes* the use of the Guiding Principles by the Special Rapporteur in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion, application and integration into domestic laws and policies of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

20. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement, encourages States to continue to do so in an inclusive and non-discriminatory way, consistent with the Guiding Principles, including through the identification of a national focal point within the Government for issues of internal displacement and the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

21. *Urges* all Governments to continue to facilitate the activities of the Special Rapporteur, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Special Rapporteur for visits to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

22. *Invites* Governments to give serious consideration, in dialogue with the Special Rapporteur, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

23. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects by further improving the access of humanitarian personnel and the delivery of supplies and equipment to internally displaced persons and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist, as well as by taking the steps necessary to ensure the safety and security of humanitarian personnel so that they may efficiently perform their task of assisting internally displaced persons;

24. *Emphasizes* the central role of the Emergency Relief Coordinator for the coordination of, protection of and assistance to internally displaced persons, inter alia, through the inter-agency cluster system, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

25. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement

and to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

26. *Encourages* Member States, humanitarian agencies, donors, development actors and other providers of development assistance to continue to work together, in close cooperation with the Special Rapporteur, to provide a more predictable response to the needs of internally displaced persons, including long-term development assistance for the implementation of durable solutions, takes note of the decision by the Policy Committee of the Secretary-General of 4 October 2011 endorsing the preliminary framework on ending displacement in the aftermath of conflict, notes the roll-out of the decision in select countries, and calls for United Nations agencies implementing the decision to cooperate closely with the Special Rapporteur in that regard and to use the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons in a manner that complements the decision of the Policy Committee;

27. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the humanitarian response plan process, and encourages further efforts in this regard;

28. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

29. *Recognizes* the need to collect reliable disaggregated data, including data disaggregated by sex, age and location, on internally displaced persons in order to improve policy, programming and response to internal displacement and, in this respect, the relevance of the inter-agency Joint Internally Displaced Person Profiling Service and the global database on internally displaced persons maintained by the Internal Displacement Monitoring Centre;

30. *Encourages* Governments, members of the Inter-Agency Standing Committee, United Nations humanitarian coordinators and country teams to ensure the provision of reliable data on internal displacement situations, collaborating with the Internal Displacement Monitoring Centre, requesting the support of the Joint Internally Displaced Person Profiling Service and providing financial resources, as appropriate in these respects;

31. *Takes note* of other high-level processes relevant to the response to internally displaced persons, welcomes in particular the adoption of the 2030 Agenda for Sustainable Development[16] and its express call to leave no one behind, and notes that forced displacement of people threatens to reverse much of the development progress made in recent decades and that internally displaced persons are vulnerable people whose needs are reflected in the 2030 Agenda;

32. *Welcomes* the call in the Sendai Framework for Disaster Risk Reduction 2015-2030[17] to integrate post-disaster reconstruction into the economic and social sustainable development of affected areas, as well as temporary settlements where the displaced live, to promote regular disaster preparedness, response and recovery exercises, with a view to ensuring rapid and effective response to disasters and

[16] Resolution 70/1.

[17] Resolution 69/283, annex II.

related displacement, and to promote transboundary cooperation to build resilience and reduce disaster risk, including displacement risk;

33. *Also welcomes* the initiative of the Secretary-General to hold the World Humanitarian Summit, and notes the importance of meeting the emergency and long-term needs of internally displaced persons in that context;

34. *Further welcomes* the initiative to hold the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), and notes the importance of addressing the needs of internally displaced persons in urban settings;

35. *Requests* the Secretary-General to continue to provide the Special Rapporteur, from within existing resources, with all assistance necessary to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Special Rapporteur;

36. *Encourages* the Special Rapporteur to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

37. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-first and seventy-second sessions a report on the implementation of the present resolution;

38. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its seventy-second session.